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Attorneys for Defendants
Bluewater Media, LLC and Andrew Latimer

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BROAD BEAM MEDIA, INC.,

Plaintiff,

Case No. 19 CV 2214

-against-

BLUEWATER MEDIA, LLC and ANDREW
LATIMER,

NOTICE OF REMOVAL

Defendants.

PLEASE TAKE NOTICE that defendants Bluewater Media, LLC (“Bluewater”) and Andrew Latimer (“Latimer”), appearing for the purpose of removal and for no other purpose, have, by this Notice, caused the removal of the action pending in the New York State Supreme Court, New York County, to the United States District Court, District of New Jersey, and states as follows:

1. This Notice of Removal is filed pursuant to 28 U.S.C. §1441 and 28 U.S.C. §1446.
2. On or about February 7, 2019, Plaintiff Broad Beam Media, Inc. served the summons and verified complaint, attached hereto as Exhibit A, (the “Complaint”) upon the defendants Bluewater and Latimer. None of the Defendants has yet answered, moved or otherwise responded to the complaint.

3. By this action, Plaintiff seeks economic and punitive damages, interest, attorneys' fees and costs.

4. This Court has original jurisdiction over the case under 28 U.S.C. §1331 because the case is an action for recovery of a domain name and the case therefore is preempted by, and falls within the scope of the civil enforcement provision of, the Anticybersquatting Consumer Protection Act, 15 U.S.C. §1125(d). *See Schmidheiny v. Weber*, 164 F.Supp.2d 484, 488 (E.D. Pa. 2001); *Beneficial Nat. Bank v. Anderson*, 539 U.S. 1 (2003).

5. This Court also has original jurisdiction over the case under 28 U.S.C. §1332 because:

- a. The complaint seeks solely injunctive and declaratory relief against the Defendants, which relief, Defendants assert in accordance with 28 U.S.C. §1446(c)(2)(A)(i), has a monetary value in excess of \$75,000 (exclusive of interest and costs); and
- b. Plaintiff Broad Beam Media, Inc. is citizen of the state of New York, the state in which it is domiciled, and Delaware, the state in which it is incorporated;
- c. Bluewater is a citizen of the state of Florida, in which it is both domiciled and incorporated;
- d. Brian Fasulo, Mark Henning, Robert Fallon and Andrew Latimer are the sole members of Bluewater;
- e. Mark Henning is a citizen of and domiciled in Florida;
- f. Robert Fallon is a citizen of and domiciled in Florida; and

g. Latimer is a citizen of and domiciled in Florida.

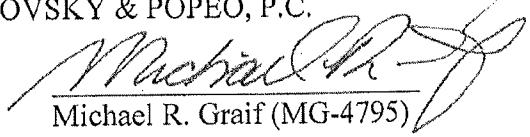
6. Accordingly, the Plaintiff's citizenship is diverse from the citizenship of both Defendants and each of the members of Bluewave.

7. This Notice of Removal is filed on behalf of defendants within the time allowed by 28 U.S.C. §1446(b), since this Notice has been filed within 30 days after receipt by the defendants of the complaint. Specifically, defendants Bluewater and Latimer received the complaint on February 7, 2019.

WHEREFORE, defendants Bluewater and Latimer remove the above-entitled action now pending against defendants in the New York State Supreme Court, New York County, to this Court.

Dated: New York, New York
March 11, 2019

MINTZ, LEVIN, COHN, FERRIS,
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By: 
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